



## **Procedure: Regulatory Requirements for Confidentiality of Client Information**

Functional Area: VIII Certification, Eligibility & Coordination of Services

Section: J 1

Approval Date: 6/2015

Citation: 246.25(a)(4); 246.26(d); FNS INST

Revised Date: 11/2008

800-1; NE. Rev. Stat 28-710 to 28-272

### **Purpose**

Provide outlines of statutory and regulatory restrictions on releasing applicant and client information.

### **Confidential Applicant and Client Information**

Confidential applicant and client information is any information about an applicant or client, whether it is obtained from the applicant or client, another source, or generated as the result of WIC application or certification, or participation, that individually identifies an applicant or client and/or family member(s).

### **Federal Guidance**

Primary federal guidance on the confidentiality of WIC client and applicant information is found in 246.25 (a)(4), 246.26(d) and FNS Instruction 800-1. The key points found in these regulations and guidance are:

- Routine use and disclosure of data is to be restricted to:
  - Persons directly connected with the administration or enforcement of the Program, as determined by the State WIC Agency. This includes staff that provides direct services to WIC clients, who are responsible for ongoing conduct of the Program's operations, those who are required to monitor or audit the Program, persons under contract with the State WIC Agency to perform research and persons investigating or prosecuting WIC program violations. It does not include employees of the Department of Health and Human Services who do not have ongoing involvement in the operation or management of the Program.
  - The Comptroller General of the United States for audit and examination as authorized by law.

Any reports or other documents resulting from the examination of records that are publicly released may not include confidential applicant or client information.

Disclosure of applicant/client information for non-WIC purposes is limited to those programs designated by the chief medical officer of the Department of Health and Human Services.

- Disclosure of confidential applicant and client information is permitted for non-WIC purposes in the following programs that serve persons

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**Federal Guidance  
(cont.)**

eligible for the Nebraska WIC program: SNAP

(Supplemental Nutrition Assistance Program; Food Stamp Nutrition Education Program; Medicaid; Foster Care; Perinatal Child and Adolescent Health Unit; CSFP; Immunization Program; Newborn Screening and Genetics Program; Head Start and Nutrition Education Program (NEP).

- The purpose for sharing information between WIC and an individual program/organization will be specified in an agreement. Preceding program/organization must assure that it will not use the information for 80 other purpose for disclosed information to a third party.
- Clients are notified that confidential information will be shared during the explanation of client rights and responsibilities. Programs with which WIC shares information are designated on the Certification Signature Form.

Release of applicant or client information to any other programs, organizations or persons may be done only in prescribed manners.

See the procedure which follows in this section for specific guidance.

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**Nebraska Statutes For  
Child Abuse/Neglect**

Nebraska Revised Statute Sections 28-710 to 28-727 (Reissue 1989 and Cum. supp. 1990) deals with reporting of abuse and neglect. This state statute fits within USDA guidance as an exception to the restricted release of information on WIC applicants and participants, and is described in the procedure that follows in this section.

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**Confidentiality  
Requirements in Local  
Agency Agreements**

Maintenance of WIC confidentiality requirements is a provision in the local agency's WIC agreement with the Department of Health and Human Services.

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**Local Agency  
Responsibilities**

The local agency is to thoroughly consider and incorporate Program confidentiality requirements in the following areas:

- Responding to requests from other programs, organizations, and persons for WIC client/applicant information.
  - Access to and storage of WIC records and documents that contain information on applicants and clients.
  - Reports and documents that are released publicly that result from examination of applicant and client records.
  - Terms and conditions of contracts for staff that conducts audits of the WIC Program or performs other WIC functions.
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**Local Agency  
Responsibilities (cont.)**

- Training of WIC staff, contract staff, students and volunteers.
  - Development and use of shared information systems within an agency.
  - Agency intake procedures.
  - Agency referral protocols.
  - Cooperative agreements with other programs/organizations.
  - Any other situation in which WIC applicant/client information may become accessible to persons not directly administering the Program.
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**Sharing Statistical  
Information**

If statistical information from the WIC Program is shared within your agency or with any other agency or person, it must be in summary, statistical format or other form that does not identify the individual(s) it represents.

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**Shared Intake,  
Appointment & Data  
Systems**

Shared intake appointment and data systems should be developed in Consultation with the State WIC office to be assured that WIC confidentiality requirements are met. Key principles that are to be considered in such shared systems include:

1. Each program's confidentiality requirements must be met.
  2. Applicant's rights and responsibilities pertaining to each program must be clearly and fully stated.
  3. WIC local agencies who use a shared intake process cannot force applicants to apply for or release information to other programs when they come to apply for WIC.
  4. Information on WIC clients can be routinely shared with other programs only when within the context of an agreement.
  5. The program receiving shared information from the WIC Program cannot share the information with another program or individuals
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**Sharing Client  
Information via e-mail**

Client information should never be sent via e-mail. E-mail is not a secure method of transferring confidential information.

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**Sharing Client  
Information By Fax**

Faxes which contain confidential information should incorporate a confidentiality provision statement into the cover sheet. The following represents an example of such a statement:

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**Sharing Client  
Information By Fax  
(cont.)**

**CONFIDENTIALITY NOTE**

The information contained in this fax is intended only for the personal and confidential use of the designated recipients named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Our number is \_\_\_\_.

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**Unusual Situations**

Consultation with State WIC staff is advised for unusual or infrequent circumstances.

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